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Attorneys for Defendants, Unum Group and Provident Life and Accident Insurance Company

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DR. IAN LANGER,

Plaintiff,

v.

UNUM GROUP, PROVIDENT LIFE &
ACCIDENT INSURANCE COMPANY,
ABC INSURANCE COMPANIES 1-5,

Defendant.

Civil Action No.:

NOTICE OF REMOVAL

**TO: THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PLEASE TAKE NOTICE that defendants hereby remove the above entitled action from the Superior Court of New Jersey, Law Division, Union County, to the United States District Court for the District of New Jersey, pursuant to 28 U.S.C. § 1332(a)(1) and 28 U.S.C. § 1441, et seq. and alleges as follows:

1. An action has been commenced and is now pending in the Superior Court of New Jersey, Law Division, Union County, entitled Dr. Ian Langer v. Unum Group, et al., bearing Docket Number UNN-L-1696-17 (**Exhibit 1**).

2. Defendants were served with a copy of the Summons and Complaint on May 15, 2017 (**Exhibit 2**).

3. Based on the foregoing, defendants have filed this Notice of Removal within thirty (30) days of receipt as required by U.S.C. § 1446(b). No further proceedings have occurred in this action.

4. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1). Accordingly, this action is one that may be removed to this Court by defendants pursuant to 28 U.S.C. § 1441 in that it is a civil action where the matter in controversy is likely to exceed the sum of \$75,000 exclusive of interest and costs, and is between citizens of different states.

5. Plaintiff is at the time of Removal, and was at the institution of this action, a resident of the State of New Jersey (**Exhibit 1**).

6. Defendant, Provident Life and Accident Insurance Company, is at the time of Removal, and was at the time of the institution of this action, a corporation organized and existing pursuant to the laws of the State of Tennessee with its principal place of business in Maine.

7. While defendants maintain that Unum Group is not an appropriate party to this litigation, Unum Group is at the time of Removal, and was at the time of the institution of this action, a corporation organized and existing pursuant to the laws of the State of Delaware, with its principal place of business in the State of Tennessee.

8. This action arises out of a claim made by plaintiff for benefits under two disability insurance policies (**Exhibit 1**).

9. Plaintiff alleges that he is entitled to residual disability coverage and that defendants have failed to pay him monthly benefits under both policies from July of 2013 to the present (**Exhibit 1**).

10. Plaintiff further alleges entitlement to residual disability benefits under both policies until the time when such policies no longer provide coverage for residual disability benefits based on age, which would be age 65 (**Exhibit 1**).

11. Based on the foregoing, plaintiff is seeking over 44 months of back benefits on each policy and approximately five years of future monthly benefits under each policy.

12. In addition to the breach of contract claim, plaintiff further alleges that defendants engaged in bad faith conduct and seeks punitive damages, consequential damages and legal fees (**Exhibit 1**).

13. Based on the foregoing, the amount in controversy alleged by plaintiff with respect to defendants exceeds the \$75,000 requirement.

14. By reason of the foregoing, this action is within the Court's removal jurisdiction, pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1332.

15. Written notice of the filing of this Notice of Removal has been served upon plaintiff's counsel as required by law.

16. A true copy of this Notice of Removal has been filed with the Clerk of the Superior Court of New Jersey, Law Division, Union County, as required by law.

WHEREFORE, defendant prays that this action be removed from the Superior Court of New Jersey, Law Division, Union County to the United States District Court for the District of

New Jersey and that the United States District Court, District of New Jersey issue such orders and process as are necessary to preserve its jurisdiction over this matter.

DATED: June 12, 2017

Respectfully submitted,
WHITE AND WILLIAMS LLP
*Attorneys for Defendants, Unum Group and
Provident Life and Accident Insurance Company*

BY: 
ROBERT T. PINDULIC